

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. CR07-10102

United States
PLAINTIFFRobert FisherJuan Ocasio et al
DEFENDANTWilliam FickPaul GarrityCOUNSEL FOR PLAINTIFFCOUNSEL FOR DEFENDANTJUDGE WolfCLERK O'LearyREPORTER RomanowCLERK'S NOTES

DATES:	Motion Hearing
6/3/09	Interpreter, Frank Goeffrion, sworn in. Court orders the government to purchase the transcript for today's proceeding. Government confirms that DEA Agent O'Shaughnessy is present and waiting in the hallway. Government informs the court that the referenced witness in the motion to dismiss is not a government agent. Court goes over the procedural history with the parties. Court orders the government to read the DEA manual and report by next Tuesday regarding the timeliness of DEA 6 forms. Government argues for the motion to dismiss the indictment with prejudice. Defense counsel informs the court that the defendant joins in the motion. Court conducts a colloquy with the defendant. Defendant confirms that he would like the charges in this case dismissed. Counsel for Farias requests all discovery that was provided to Ocasio. Government has no objection but will need a few weeks to gather the materials. Defense counsel requests that the 6/17 dispo be continued. Court grants the request. Court orders the government to provide all discovery by 6/19/2009. Court orders defendant Farias to file by 7/10, either a statement that he wishes to proceed with the sentencing or a motion to withdraw. Government shall respond by 7/24. Any reply due 7/31. Either the sentencing or motion hearing will be conducted on 8/19 at 3:00 PM. Court takes a brief recess. Court resumes. Interpreter, Raphael Rodriguez, sworn in. Government calls DEA Agent Michael O'Shaughnessy - witness takes the stand and is sworn. Court marks the 3/2/07 DEA 6 form as exhibit 1 of today's date. Court marks the 10/29/07 DEA 6 form as exhibit 2 of today's date. Court questions the witness. Court makes the photo identification procedure as exhibit 3 of today's date. Court marks letter from AUSA Fisher to attorney Fick dated 5/22/2008 as exhibit 4 of today's date. Court takes the lunch recess. Court orders the government to go through its files and look for any reports between 2/2 and 3/3 and deliver them to the court's chambers by 2:00. Court will resume at 2:30 pm. Court resumes and marks the packet of reports it received from the government over the lunch break as exhibit 5. Court rules on the motion to dismiss from the bench. Court grants the motion and will issue an order memorializing the same. Court gives its reasoning from the bench.